

December 20, 2012

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Request for Review

Appeal: CC Docket No. 02-6

USAC Appeal Decision Date: November 7, 2012

Form 471 Number: 844290

Funding Year: 2012-2013

Billed Entity Name: Osborne Unif School Dist 392

BEN: 138001

FRN: 2292747

Service Provider: Foundation for Educational Services, Inc.

SPIN: 143028010

Contact Person: Deb Steward

CRN: 16049052

Smoky Hill Education Service Center

Phone: 785-621-4414

Email: dsteward@smokyhill.org

Decision being appealed: Osborne Unif School Dist 392 is appealing the denial letter dated November 7, 2012. The denial of funding explanation is:

"Based on the supporting documentation you provided during review of your Funding Year 2012 FCC Form 471 **844290**, FRN **2292747**, will be denied because a signed and dated contract with your service provider was not in place when you filed your FCC Form 471 certification.

Program rules require that a signed contract with your service provider be in place when you file your FCC Form 471 certification or prior to the Funding Year 2012 FCC Form 471 filing window close date."

Background:

We are presenting no new evidence here. In accordance with appeal requirements we are now submitting our original argument to the FCC Appeal level.

We understand and support the requirement to have a signed and dated contract in place before the filing of the Form 471. Osborne Unif School Dist 392 did have a signed contract that was signed and emailed before the Form 471 was filed. Due to a series of errors, later the date was incorrectly noted on the contract and then changed by a RAL correction. The documents supporting this request are included as part of this appeal.

Summary of Appeal:

- The contract was signed and attached to an email for filing. That email was dated February 24, 2012. (Attachment 1 and Attachment 2)
- By mistake, the date had not been written on the contract and an email was sent requesting the date be noted on the contract and resent; however, the Superintendent was out of the office when the request was made.
- Since the contract was signed and emailed on February 24, it was considered that the award date was February 24, 2012 and the Form 471 was filed on February 27, 2012.
- Subsequently, the contract was dated and returned to me, but I failed to notice it had been signed the day of the email (March 1, 2012) rather than the original date it was awarded. (Attachment 3)
- When the RAL was received, I checked the information and noticed the contract had been dated March 1, 2012 and without realizing the date of the Form 471, I filed, in error, a correction on the RAL. (Attachment 4)
- The funding was denied by SLD. (Attachment 5)
- USAC Appeal denial (Attachment 6)

I believe the dated email is sufficient to note the award date of the contract. The errors made when the Superintendent dated the contract papers as of the date he was back in his office and my error of not noticing the change should be considered as ministerial/clerical errors.

Request:

We ask the Commission to consider this as ministerial error on our part and we request the funding be approved so the district can recover the funds already expended for this eligible service.

Thank you for your time and consideration of our request.

Sincerely,

Submitted electronically via ECFS

Deb Steward

CRN # 16049052

Phone: 785-621-4414

Email: dsteward@smokyhill.org

Attachments included: 6

Attachment 1

Deb Steward

From: Keith Hall [supt392@ruraltel.net]
Sent: Friday, February 24, 2012 4:12 PM
To: Deb Steward
Subject: FW:
Attachments: 20120224155620823.pdf

-----Original Message-----

From: treas392@ruraltel.net [<mailto:treas392@ruraltel.net>]
Sent: Friday, February 24, 2012 2:56 PM
To: Supt
Subject:

This E-mail was sent from "RNPA1A837" (C4535).

Scan Date: 02.24.2012 15:56:20 (-0500)
Queries to: treas392@ruraltel.net

Attachment 2

Email attachment #20120224155620823.pdf

SOCS

simplified online
communication system

License and Service Agreement

The SOCS Partner identified and signing below approves the terms and conditions of this agreement between the Partner and FES LLC.

Partner: Osborne County USD 392 Address: 234 W Washington Street Osborne, KS 67473 Student Enrollment: 300	Agreement Term Dates: 7/1/12 – 6/30/15 Special Terms: SOCS Express Color
URL (web address) http://www.TBD School Partner Champion: Jeanne Mans Ph: 785-346-2145 Alternate Contact: Keith Hall Superintendent: Keith Hall FES School Partner Representative: Stacey Anderson Ph: 800-850-8397, ext. 6991 Fax: 402-479-6691 Partnership: _____ Other: (hospital, city, etc.) _____ Sales Tax Exempt: No ___; Yes <input checked="" type="checkbox"/> (Provide copy of exemption certificate or request form) Purchase Order attached: Yes ___; No <input checked="" type="checkbox"/>	

For: Osborne County USD 392

By: Keith Hall
(Signature) (Date)

Keith Hall
(Please print full name)

Title: Superintendent

For: FES LLC

1300 O Street
Lincoln, NE 68508

By: _____
Dan Kunzman, Vice-President (Date)

CONFIDENTIAL INFORMATION

Intended exclusively for the internal and private use of the above named SCHOOL PARTNER and FES

SOCS

simplified online
communication system

License and Service Agreement

The SOCS Partner identified and signing below approves the terms and conditions of this agreement between the Partner and FES LLC.

Partner: Osborne County USD 392 Address: 234 W Washington Street Osborne, KS 67473 Student Enrollment: 300	Agreement Term Dates: 7/1/12 -- 6/30/15 Special Terms: SOCS Express Color
URL (web address): http://www.TBD School Partner Champion: Jeanne Mans Ph: 785-346-2145 Alternate Contact: Keith Hall Superintendent: Keith Hall FES School Partner Representative: Stacey Anderson Ph: 800-850-6397, ext. 6991 Fax: 402-479-6691 Partnership: _____ Other: (hospital, city, etc.) _____ Sales Tax Exempt: No ____; Yes ____ (Provide copy of exemption certificate or request form) Purchase Order attached: Yes ____; No ____	

For: Osborne County USD 392

By: *Keith Hall* 3/1/12
 (Signature) (Date)

Keith Hall
 (Please print full name)

Title: Superintendent

For: FES LLC

1300 O Street
 Lincoln, NE 68508

By: Dan Kunzman Vice President (Date)

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Schools and Libraries Division



FORM 471 RECEIPT ACKNOWLEDGMENT LETTER
(Funding Year 2012: 07/01/2012 - 06/30/2013)

March 6, 2012

Deb Steward
OSBORNE UNIF SCHOOL DIST 392
1401B Main Street
Hays, KS 67601

Change to FRN 2292747

Re: Form 471 Application Number: 844290
Funding Year 2012: 07/01/2012 - 06/30/2013
Applicant's Form Identifier: 39247112A
Billed Entity Number: 138001

Your certified FCC Form 471, "Services Ordered and Certification Form," requested \$26,889.36 in total Schools and Libraries Program (Program) pre-discount costs for services. A copy of this information has been provided to the service provider(s) whose Service Provider Identification Number(s) (SPIN) is featured on this Form 471.

USAC provides a separate Form 471 Receipt Acknowledgment Letter (RAL) with a RAL Funding Requests Report (Report) for each application certified within the application window. The Report summarizes the information provided to USAC. A space is provided for you to make allowable corrections to any clerical errors or errors that you realize may result in reduction or denial of funding. USAC will perform a complete analysis before funds are committed. If additional errors are found during our review we will attempt to contact you for clarification before making a decision that results in denials or reductions.

Review this Report to verify that the information accurately reflects your request. If the information is accurate, file this letter with your records.

DO NOT SEND CORRECTIONS TO THE CLIENT SERVICE BUREAU. To make corrections, please do the following:

- Corrections may be made until a Funding Commitment Decision Letter for this Form 471 Application is issued.
- If you would like to request a correction to a field that does not appear in the attached Report, print a copy of your Form 471 and clearly note your requested correction.
- If contact information provided above is incorrect, note any correction above and submit a signed copy of this page as a correction.
- Indicate any corrections you wish to make in the Report in the spaces indicated.
- Sign where indicated, and provide your name, title, contact information and date.
- Submit a copy of your marked-up RAL to the email address, fax number or mailing address posted in the "Form 471 RAL" page of our website.
- Retain a copy of the RAL and any submitted corrections.

REMINDERS REGARDING THE RAL

- This letter does NOT contain any decisions concerning your requests for discounts.
- Funding requests that did not pass Minimum Processing Standards are not included in the Report following this letter.
- See "Guide to USAC Letter Reports" posted in the Reference Area of our website for a description of each individual field in the following Report.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

Form 471 844290 RAL Funding Requests Report

THIS REPORT DOES NOT CONTAIN ANY DECISIONS CONCERNING YOUR REQUESTS FOR DISCOUNTS.

USE THIS REPORT TO LIST OR INDICATE CORRECTIONS YOU WISH TO MAKE TO YOUR FORM 471.

Follow the guidance posted on the Form 471 RAL page on our website to make allowable corrections. All corrections - including corrections to new fields - are subject to review for Program compliance and approval.

Corrections Submitted by:

Signature: Deb Steward Date: 03-12-2012

Printed Name: _____ Deb Steward _____

Title: _____ E-Rate Consultant _____

_____ dsteward@smokyhill.org _____

Email, Fax Number or Phone Number: _____ Phone: 785-621-4414 _____

_____ FAX: 785-825-9195 _____

Item	Data Entered on FCC Form 471	Make Corrections Here
1a. Name of Billed Entity	OSBORNE UNIF SCHOOL DIST 392	Corrections not allowed
3. Billed Entity Number	138001	Corrections not allowed
6. Contact Person's Name	Deb Steward	
6. Preferred mode of contact	Phone	
6c. Contact Phone	785-621-4414	
6d. Contact Fax	785-825-9195	
6e. Email	dsteward@smokyhill.org	
6f. Holiday/vacation/summer contact information - if provided		

6g. Consultant Name DEB STEWARD
Consultant Number 16049052
Consultant Employer Smoky Hill Education Service Center

The Billed Entity name, address, phone and fax numbers cannot be changed via the RAL correction process.

Form 471 844290 RAL Funding Requests Report

ERN: 2292747

IF YOU WISH TO CANCEL THIS ERN, PLEASE CHECK HERE _____

Item #	Data Entered on FCC Form 471	Make Corrections Here
11. Category of Service	Internet Access ✓	
12. 470 App#	126010000935967 ✓	
13. SPIN	143028010	
14. Service Provider Name	Foundation for Educational Services, Inc	
15b. Contract Number	OSBORNE COUNTY USD 392	
16a. Billing Account Number	OSBORNE COUNTY USD 392	
16b. Multiple Billing Account Numbers	N	
18. Contract Award Date	02/24/2012 → 03-01-2012	
19. Service Start Date	07/01/2012	
20a. Service End Date		
20b. Contract Expiration Date	06/30/2015	
22. Block 4 Entity or Worksheet No	1422502	
23a. Monthly Charges	\$0.00	
23b. Ineligible Monthly Amt	\$0.00	
23c. Eligible Monthly Amt	\$0.00	
23d. Number of months of service	12	
23e. Annual Pre-discount Amount for eligible recurring charges	\$.00	Calculated - Not Input
23f. Annual Non-Recurring (One-Time) Charges	\$1,365.00 ✓	
23g. Ineligible Non-Recurring Amount	\$0.00	
23h. Annual Pre-discount Amount for eligible Non-Recurring charges	\$1,365.00	Calculated - Not Input
23i. Total Pre-discount Amt	\$1,365.00	Calculated - Not Input
23j. Discount from Block 4	80	See Block 4 Above
23k. Funding Commitment Request	\$1,092.00	Calculated - Not Input
25f. Service provider assistance with funding	No	

Attachment 5



Schools and Libraries Division

Aug 29, 2012

Deb Steward
OSBORNE UNIF SCHOOL DIST 392
Telephone:
Application Number

(785) 6214414
844290

The Program Integrity Assurance (PIA) team is in the process of reviewing all Funding Year 2012 FCC Form 471 Applications to ensure that they are in compliance with the rules of the Universal Service program. We are currently in the process of reviewing your Funding Year 2012 FCC Form 471 Application.

Based on the supporting documentation you provided during review of your Funding Year 2012 FCC Form 471 **844290**, FRN **2292747**, will be denied because a signed and dated contract with your service provider was not in place when you filed your FCC Form 471 certification.

Program rules require that a signed contract with your service provider be in place when you file your FCC Form 471 certification or prior to the Funding Year 2012 FCC Form 471 filing window close date.

If the entire FRN should not be denied and you have alternative information, please provide documentation that supports your position. Please keep in mind that your supporting documentation should be the documentation or data used to prepare your FCC Form 471 application.

For further guidance regarding contracts and the process of selecting a service provider, please visit <http://www.usac.org/sl/applicants/step03/default.aspx>.

Should you wish to cancel your FCC Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the FCC Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

SarahAnn E. James
Associate Manager, Program Integrity Assurance Reviewer
30 Lanidex Plaza West | Parsippany, NJ 07054

T: 973-581-5029 | F: 973.599.6579
sarahann.james@sl.universalservice.org

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2012-2013

November 07, 2012

Deb Steward
Smoky Hill Education Service Center
1401B Main Street
Hays, KS 67601

Re: Applicant Name: OSBORNE UNIF SCHOOL DIST 392
Billed Entity Number: 138001
Form 471 Application Number: 844290
Funding Request Number(s): 2292747
Your Correspondence Dated: September 24, 2012

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2012 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2292747
Decision on Appeal: **Denied**
Explanation:

- After review of your letter of appeal and all pertinent documentation, it has been determined that a properly filed RAL Request was received from the applicant, instructing SLD to change the Contract Award Date (CAD) from 02/24/2012 to 3/01/2012 for FRN #2292747. SLD requested a copy of the signed contract to verify the request and in response received from the applicant a contract signed and dated by the applicant on 3/01/2012. This date was after the Certified Postmark Date (CPD) of 02/27/2012. Program Rules require that a contract be signed and dated by the applicant prior to the filing of the FCC Form 471. This requirement was not met. Your appeal therefore is denied.
- USAC has determined, that at the time you submitted your FCC Form 471 application, you did not have a contract with your service provider(s), which

meets your state and local or the FCC's definition of a contract. Additionally, the services you requested are not non-contracted tariff or month-to-month services. Except for services to be delivered under non-contracted tariff or month-to-month arrangements, FCC rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." *See* 47 C.F.R. sec. 54.504(a). In your appeal, you did not demonstrate that USAC's decision was incorrect. As USAC does not have authority to waive the FCC rules of the program, your appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Chris Modellmog